

REMARKS

The Examiner is requested to approve the accompanying replacement drawing. The change to the drawing is to move the reference line for element 50 in Figure 3 (Figure 2 has not been changed).

In Figure 2 and replacement Figure 3, element 50 is being pointed to on the right side, and in Figures 4 and 5, element 50 is being pointed to from above. While the Office Action indicates element 50 differs between Figures 2 and 4, it is noted that Figures 2 and 4 are illustrating different side views of the switch and it is respectfully submitted that the same element is being pointed to in each of the Figures (*see also*, the description of switching member 50 in the specification, e.g., at page 5, lines 6-16).

The amendments set out above and the following remarks are believed responsive to the points raised by the Office Action dated July 12, 2004. In view of the amendments set out above and the following remarks, reconsideration is respectfully requested.

The Pending Claims

Claim 10 has been canceled, and claims 1-9 and 11-13 remain pending.

Claims 1, 11 and 12 have been amended to describe the invention more clearly. No new matter has been added, the basis for the amended claim language may be found within the original specification, claims and drawings.

Entry of the above is respectfully requested.

The Office Action

For convenience, the following remarks will address the various objections and rejections in the same order they were raised in the Office Action.

The drawings were objected as it is alleged element 50 in Figure 2 is different from Figure 4. As noted above, in Figure 2 and replacement Figure 3, element 50 is being pointed to on the right side, and in Figures 4 and 5, element 50 is being pointed to from above. Figures 2 and 4 illustrate different side views of the switch. *See also*, the description of switching member 50 in the specification, e.g., at page 5, lines 6-16. Accordingly, it is respectfully submitted that the same element is being pointed to in each of the Figures.

In view of this, it is respectfully requested that the objection to the drawings be withdrawn.

The disclosure is objected to as reference character 22 has been used to designate the “upper end” and “contact strips.” The specification has been amended at page 5, line 23 to replace “22” with --20--. In view of this amendment, it is respectfully submitted that the objection has been obviated, and withdrawal of the objection is requested.

Claims 1-10 and 12 were rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 6,573,466 to Rapp et al. (hereinafter referred to as "Rapp et al.").

Claims 11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Rapp et al. in view of U.S. Patent No. 6,626,473 to Klein et al. (hereinafter referred to as "Klein et al.").

Each of these rejections is separately and respectfully traversed.

As an initial point, it is submitted that the Rapp et al. patent, that issued on June 3, 2003, should not be applicable as prior art under 35 USC 102(b), and it appears the Office Action intended to refer to another section of the statute. It is also noted that reference number 9 is not identified in Rapp et al. as an “actuator.” Rather it is identified as a “cap” (e.g., col. 3, line 47).

However, in order to expedite matters and to allow the application to pass to issuance quickly, claim 1 has been amended to include the limitations of claim 10.

With respect to the electrical switch defined in amended claim 1 (*see also, for example*, Figure 1), there is no disclosure in Rapp et al. of a switch including a resiliently deformable seal comprising an inner part that is resiliently deformable and an outer part that is considerably thicker than the inner part and surrounds and protects the actuator that is connected across the opening and the actuator to seal off the gap. The attachment in the Office Action showing element 11 (described as “the sleeve-like part 11” in Rapp et al.) and element 17 (described as “the frame-like base 17” in Rapp et al.), shows these lay adjacent each other and are not inner and outer parts, and the sleeve-like part 11 is not connected across the opening and the actuating member 6 to seal off the gap formed between the actuating member and the opening.

Thus, there is no disclosure in Rapp et al. of the claimed switch. Since Rapp et al. does not anticipate the claimed switch, the rejection cannot be maintained.

Moreover, with respect to the rejection of claims 11 and 13, the electrical switch of the present invention is patentably distinct from that of Rapp et al. for the reasons set forth above. The fact that Klein et al. may teach a pushbutton switch is of no import. Klein et al. simply does not cure the deficiencies of Rapp et al., and therefore, the combination also fails to render the present invention obvious.

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Since the independent claim is allowable for the reasons set forth above, the dependent claims are allowable as they depend from the novel and non-obvious independent claim.

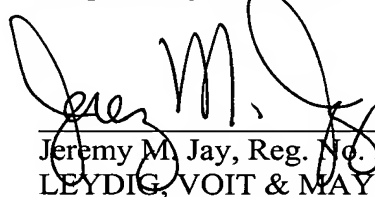
For the reasons set forth above, reconsideration of the rejections is respectfully requested.

Conclusion

In view of the amendment and remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeremy M. Jay", is written over a horizontal line.

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AMENDMENTS TO THE DRAWINGS

The attached replacement sheet includes Figures 2 and 3. This replacement sheet, which includes Figures 2 and 3, replaces the original sheet including Figures 2 and 3.

Attachment: Replacement Sheet(s)